

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney  
3 THOMAS MOORE (ALBN 4305-O78T)  
4 Chief, Tax Division  
5 MICHAEL G. PITMAN (DCBN 484164)  
6 Assistant United States Attorney  
7 450 Golden Gate Ave., Box 36055  
8 San Francisco, CA 94102  
9 Telephone: (415) 436-6475  
10 Facsimile: (415) 436-7009  
11 Email: michael.pitman@usdoj.gov

12 Attorneys for the United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 United States of America,

17 Plaintiff,

18 v.

19 Fitz William Guerin,

20 Defendant.

21 Case No. 3:12-cv-00187-MEJ

22 STIPULATION AND [PROPOSED]  
23 ORDER TO CONTINUE PRETRIAL  
24 DEADLINES AND TRIAL DATE

25 IT IS HEREBY STIPULATED by and between Plaintiff the United States of America

26 (“United States”) and Defendant Fitz William Guerin (“Mr. Guerin”), by and through  
27 undersigned counsel and pursuant to Fed. R. Civ. P. 16(b)(4) and Local Civil Rule 6-2, that good  
28 cause exists and the parties request that the Court continue the pretrial and trial deadlines set  
29 forth in the Court’s Order dated March 6, 2013 (Doc. # 9), and state as follows in support:

30 1. This case involves an evaluation of whether Mr. Guerin is liable for civil  
31 penalties, known as Trust Fund Recovery Penalties, made against him by the Internal Revenue  
32 Service pursuant to 26 U.S.C. § 6672, holding him personally liable for the unpaid federal

1 withholding taxes of Orbit Travel Network, Inc. for the second quarter of 1998, and the second  
 2 and third quarters of 1999.

3 2. Pursuant to the Court's March 6th Order, the following schedule is currently in  
 4 place:

5 Close of discovery:	7/2/2013
6 Last date to file motions:	8/1/2013
7 Dispositive motions hearing date:	9/5/2013 at 10:00 a.m.
8 Last date to confer regarding pretrial conference statement and to exchange trial papers:	11/6/2013
9 Last date to file pretrial conference statement, trial papers and motions in limine:	11/21/2013
10 Last date to file oppositions to motions in limine:	11/28/2013
11 Initial pretrial conference:	12/5/2013 at 10:00 a.m.
12 Last date to file trial briefs, voir dire, jury instructions, and verdict forms:	12/6/2013
13 Final pretrial conference:	1/9/2014 at 10:00 a.m.
14 Trial date:	1/13/2014

17 3. The parties are currently conducting discovery. Both parties have produced Initial  
 18 Disclosures pursuant to Fed. R. Civ. P. 26(a)(1): Mr. Guerin has disclosed eight witnesses  
 19 pursuant to Rule 26(a)(1)(A)(i), and sixty pages of documents pursuant to Rule 26(a)(1)(A)(ii);  
 20 and the United States has disclosed twelve witnesses pursuant to Rule 26(a)(1)(A)(i), and over  
 21 1,500 pages of documents pursuant to Rule 26(a)(1)(A)(ii). Each party has also propounded and  
 22 responded to at least one set of Interrogatories, Requests for Production of Documents, and  
 23 Requests for Admissions, Mr. Guerin's deposition has been taken, and the parties are  
 24 collaborating on a Joint Statement of Undisputed Material Facts pursuant to Civil Local Rule 56-

1 2(b). The parties are also actively engaged in settlement negotiations. The parties hereby  
 2 request an approximately 90 day extension of all existing deadlines, not for purposes of delay,  
 3 but rather to allow the parties to complete discovery, explore the possibility of a negotiated  
 4 resolution to this matter, and to prepare dispositive motions, if necessary. Specifically, the  
 5 parties hereby respectfully request that the Court amend the schedule as follows (with the  
 6 remaining provisions of the Court's March 6th Order remaining unchanged):

7	Close of discovery:	10/1/2013
8	Last date to file motions:	10/31/2013
9	Dispositive motions hearing date:	12/5/2013 at 10:00 a.m.
10	Last date to confer regarding pretrial conference statement and to exchange trial papers:	2/5/2014
11	Last date to file pretrial conference statement, trial papers and motions in limine:	2/20/2014
12	Last date to file oppositions to motions in limine:	2/27/2014
13	Initial pretrial conference:	3/6/2014 at 10:00 a.m.
14	Last date to file trial briefs, voir dire, jury instructions, and verdict forms:	3/7/2014
15	Final pretrial conference:	4/10/2014 at 10:00 a.m.
16	Trial date:	4/14/2014

17 4. The parties previously sought and received one extension of time in this matter on  
 18 March 6, 2013.

19 5. WHEREFORE the United States and Mr. Guerin hereby respectfully request that  
 20 the Court extend the deadlines in this case by approximately 90 days, and grant such other and  
 21 further relief as is just and proper.

1 Respectfully submitted this 17th day of June, 2013,

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
s/ Timothy J. Chambers  
TIMOTHY J. CHAMBERS  
Law Offices of Timothy J. Chambers  
1108 Fifth Avenue, Suite 200  
San Rafael, CA 94901  
415-459-2700  
Email: tim@tjc-law.com  
Attorney for Fitz William Guerin

MELINDA HAAG  
United States Attorney  
s/ Michael G. Pitman  
MICHAEL G. PITMAN  
Assistant United States Attorney, Tax  
Division  
450 Golden Gate Ave., Box 36055  
San Francisco, CA 94102  
Telephone: (415) 436-6475  
Facsimile: (415) 436-7009  
Email: michael.pitman@usdoj.gov  
Attorneys for the United States of America

~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation of the parties, and for good cause shown therein, it is hereby ORDERED the deadlines set forth in the Court's Order dated March 6, 2013 (Doc. # 9), are continued as follows:

Close of discovery:	10/1/2013
Last date to file motions:	10/31/2013
Dispositive motions hearing date:	12/5/2013 at 10:00 a.m.
Last date to confer regarding pretrial conference statement and to exchange trial papers:	2/5/2014
Last date to file pretrial conference statement, trial papers and motions in limine:	2/20/2014
Last date to file oppositions to motions in limine:	2/27/2014
Initial pretrial conference:	3/6/2014 at 10:00 a.m.
Last date to file trial briefs, voir dire, jury instructions, and verdict forms:	3/7/2014

1 Final pretrial conference: 4/10/2014 at 10:00 a.m.

2 Trial date: 4/14/2014

3 The remaining provisions of the Court's March 6th Order remain unchanged.

4

5 IT IS SO ORDERED.

6 Date: June 19, 2103

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

---

HONORABLE MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE